

U.S. ENVIRONMENTAL PROTECTION AGENCY
EPA ASSISTANCE ACTION PLAN/AMENDMENT
PART I - ASSISTANCE NOTIFICATION INFORMATION

1. ASSISTANCE ACTION PLAN NO. 2. LOAN NUMBER
C 1225-02-0 TWO-C-184
3. FE FWD SEP 6 1983 4. MAILING DATE
SEP 13 1983

5. AGREEMENT TYPE		6. PAYMENT METHOD	
Cooperative Agreement		<input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Letter of Credit	
Grant Agreement <input checked="" type="checkbox"/>		Send Payment Request To: NYSDEC	
Assistance Amendment		Ms. Donna Davidson	
7. TYPE OF ACTION		Continuation	
8. RECIPIENT		9. PAYEE	
Town of Amherst 5583 Main Street Williamsville, New York 14221		Town of Amherst 5583 Main Street Williamsville, New York 14221	
EIN NO.		CONGRESSIONAL DISTRICT	
16-8002157		38	
11. PROJECT MANAGER AND TELEPHONE NO.		12. CONSULTANT (WWT Construction Grants Only)	
John R. Sharpe, Supervisor (716) 631-7154		Nussbaumer and Clarke, Inc. 310 Delaware Avenue Buffalo, New York 14202	
13. ISSUING OFFICE (City/State)		14. EPA PROJECT/STATE OFFICER AND TELEPHONE NO.	
Environmental Protection Agency Region II New York, New York 10278		Mr. Robert E. Davis, Director (518) 457-7460 Central/Western Projects Bureau NYS Division of Construction Management Division of Construction Management 50 Wolf Road, Albany, NY 12233	
15. EPA CONGRESSIONAL LIAISON & TEL. NO.		16. STATE APPL ID (Clearinghouse)	
Pat Gaskins (202) 382-5184		36080	
17. FIELD OF SCIENCE		18. PROJECT STEP (WWT CG Only)	
N/A		3	
19. STATUTORY AUTHORITY		20. REGULATORY AUTHORITY	
Title II, P.L. 92-500 As Amended; 33 USC 1281 et. seq.		40 CFR; Parts 30, 33 and 35 Subpart I	
21. STEP 2 + 3 & STEP 3 (WWT Construction Only)			
a. Treatment Level			
b. Project Type			
c. Treatment Process			
d. Sludge Design			

22. PROJECT TITLE AND DESCRIPTION Town of Amherst, Erie County, New York
This project is for the construction of the Youngs Road interceptor and collection sewers for Southeast Amherst.

23. PROJECT LOCATION (Areas Impacted by Project)							
City/Place		County		State		Congressional District	
Town of Amherst		Erie		NY		38	
24. ASSISTANCE PROGRAM (CFDA Program No. & Title)				25. PROJECT PERIOD		26. BUDGET PERIOD	
66.418 Construction of Wastewater Treatment Works				August 1983 - June 1985		N/A	
27. COMMUNITY POPULATION (WWT CG Only)			28. TOTAL BUDGET PERIOD COST			29. TOTAL PROJECT PERIOD COST	
108,706			N/A			\$7,730,218	
FUNDS		FORMER AWARD		THIS ACTION		AMENDED TOTAL	
30. EPA Amount This Action				\$5,797,663			
31. EPA In-Kind Amount							
32. Unexpended Prior Year Balance							
33. Other Federal Funds							
34. Recipient Contribution							
35. State Contribution				408,034			
36. Local Contribution				1,524,521			
37. Other Contribution							
38. Allowable Project Cost				\$7,730,218			
39. FISCAL		Program Element		FY		Appropriation	
		GKAW80		83		58Y0103.F 3-02A3	
		Doc. Control No.		Account Number		Object Class	
		K36645		3GKA022002		41.11	
						Obligation/Deoblig. Amount	
						\$5,797,663	

TABLE A - OBJECT CLASS CATEGORY
(Non-construction)TOTAL APPROVED ALLOWABLE
BUDGET PERIOD COST

1. PERSONNEL	
2. FRINGE BENEFITS	
3. TRAVEL	
4. EQUIPMENT	
5. SUPPLIES	
6. CONTRACTUAL	
7. CONSTRUCTION	
8. OTHER	
9. TOTAL DIRECT CHARGES	
10. INDIRECT COSTS: RATE % BASE	
11. TOTAL (Share: Recipient _____% Federal _____%)	

12. TOTAL APPROVED ASSISTANCE AMOUNT

\$

TABLE B - PROGRAM ELEMENT CLASSIFICATION
(Non-construction)

1.	
2.	
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12. TOTAL (Share: Recipient _____% Federal _____%)	

13. TOTAL APPROVED ASSISTANCE AMOUNT

\$

TABLE C - PROGRAM ELEMENT CLASSIFICATION
(Construction)

Total Costs

Federal Eligible Costs

1. ADMINISTRATION EXPENSE	\$ 50,000	\$ 21,567
2. PRELIMINARY EXPENSE-- Allowance	349,324	349,324
3. LAND STRUCTURES, RIGHT-OF-WAY	100,000	0
4. ARCHITECTURAL ENGINEERING BASIC FEES	486,719	412,218
5. OTHER ARCHITECTURAL ENGINEERING FEES		
6. PROJECT INSPECTION FEES		
7. LAND DEVELOPMENT		
8. RELOCATION EXPENSES		
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESSES		
10. DEMOLITION AND REMOVAL		
11. CONSTRUCTION AND PROJECT IMPROVEMENT	7,282,760	6,282,803
12. EQUIPMENT		
13. MISCELLANEOUS (FOR OR ACCOUNT)	51,840	36,026
14. TOTAL (Lines 1 thru 13)	\$8,320,643	\$7,101,938
15. ESTIMATED INCOME (If applicable)		
16. NET PROJECT AMOUNT (Line 14 minus 15)	\$8,320,643	\$7,101,938
17. LESS: INELIGIBLE EXCLUSIONS		
18. ADD: CONTINGENCIES	728,276	628,280
19. TOTAL (Share: Recipient <u>12.5</u> % Federal <u>75</u> %)	\$ 9,048,919	\$7,730,218

State 12.5%

20. TOTAL APPROVED ASSISTANCE AMOUNT

\$

5,797,663

PART III-AWARD CONDITIONS

a. GENERAL CONDITIONS

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter I, Subpart B. The recipient warrants, represents, and agrees that it, and its contractors, subcontractors, employees and representatives, will comply with: (1) all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of Appendix A to 40 CFP Part 30, and (2) any special conditions set forth in this assistance agreement or any assistance amendment pursuant to 40 CFR 30.425.

b. SPECIAL CONDITIONS:

(For cooperative agreements include identification or summarization of EPA responsibilities that reflect or contribute to substantial involvement.)

See attached.

b. SPECIAL CONDITIONS (Continued)

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administrations Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official which the Award Official determines to materially alter the Agreement shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the Town of Amherst

for 75 % of all approved costs incurred up to and not exceeding \$ 5,797,663

RECIPIENT ORGANIZATION

ASSISTANCE AMOUNT

for the support of approved budget period effort described in application (including all application modifications)

C361225-02-0 Town of Amherst dated March 11, 1983 included herein by reference.

DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)

ORGANIZATION/ADDRESS
Environmental Protection Agency
Grants Administration Branch, Room 937A
26 Federal Plaza
New York, New York 10278

AWARD APPROVAL OFFICE

ORGANIZATION/ADDRESS
Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY,

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

Jacqueline E. Schafer
Regional Administrator, Region II

DATE

SEP 6 1983

This Agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

John R. Sharpe, Supervisor

DATE

SPECIAL GRANT CONDITIONS

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1. LOBBYING

"No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 607(a) of Public Law 96-74."

2. ENVIRONMENTALLY SENSITIVE AREA PROTECTION

- a. The Grantee has submitted to EPA and the (appropriate State agency) an approvable facilities plan amendment including maps that clearly delineate all specific vacant parcels of land within the facilities planning area that are partially or wholly within the 100 year floodplain as defined by the U.S. Fish and Wildlife Service. These maps have also shown which parcels had been developed prior to date of issuance of Finding of No Significant Impact/Environmental Assessment (FNSI/EA).
- b. The Grantee agrees that for a period of 50 years from the date of the FNSI/EA no sewer hook-up or other connections to the sewage treatment facilities included in the scope of this grant will be allowed or permitted so as to allow the discharge of wastewater from any building, facility or other construction on any parcel of land within any wetlands or within the 100 year floodplain, which land parcel as of the date of the FNSI/EA was undeveloped (i.e., upon which no building, facility or other construction had been erected or placed) unless approved in writing by the Regional Administrator.
- c. This condition is intended to benefit any persons or private organization or governmental entity which may have an interest in the avoidance of any future development in the designated areas. Any such beneficiary (who may otherwise have standing to seek enforcement and the right to begin such action in a court of competent jurisdiction) may seek to enforce compliance with this condition if notice of intent to seek such enforcement is first given to the EPA Regional Administrator, (appropriate State agency), the Grantee and affected governmental entities and if none of those so noticed initiates corrective action within ninety days of such notice.

3. CULTURAL RESOURCES WORK

Within 30 days of grant award, the Grantee shall submit a detailed schedule for the completion of any cultural resource surveys currently underway or which may be required by the EPA or the NYSDEC and for the submission of a report setting forth the results of such surveys. Any additional cultural resource work required by the EPA or the NYSDEC as a result of the aforementioned surveys shall be completed prior to initiation of any construction in the affected area. All requirements concerning the submission of resulting reports shall conform to an approved detailed schedule.